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Johnson & Johnson Health Care Systems Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHNSON & JOHNSON

HEALTH CARE SYSTEMS INC.,

Plaintiff,

vs.

SAVE ON SP, LLC,

Defendant.

:

Civil Action No. 22-2632(ES)(CLW)

:

Hon. Esther Salas, U.S.D.J.

:

Hon. Cathy L. Waldor, U.S.M.J

:

ORDER GRANTING

:

MOTION TO SEAL

:

This matter having been brought to the Court upon the motion of Plaintiff Johnson & Johnson Health Care Systems, Inc. (“JJHCS”) by and through their attorneys and without objection from Defendant Save On SP, LLC (“SaveOnSP”), seeking an order (i) permanently sealing the parties’ joint letter, dated September 5, 2023, regarding SaveOnSP’s request to share discovery with nonparties and accompanying exhibits (ECF No. 149, the “September 5 Letter”); and (ii) permitting JJHCS to file the proposed public version of the September 5 Letter attached as Exhibit A to the Declaration of Jeffrey J. Greenbaum submitted in support of this motion (“Greenbaum Declaration”); and the Court having considered JJHCS’s motion, the Court makes the following findings of fact and conclusions of law, pursuant to Local Civil Rule 5.3(c)(6):

- (1) The Court finds that Exhibits 1-12 and discussions thereof within the September 5 Letter and Exhibit 13 contain information that is non-public business, trade secret and/or proprietary information and confidential health information involving the administration of the Janssen CarePath Program.
- (2) The Court further finds that Exhibit 15 contains information that is non-public business, trade secret and/or proprietary information, relating to JJHCS’s relationship to a non-party, the Lash Group (the September 5

Letter, Exhibits 1-13, and Exhibit 15 shall be collectively referred to as the “Confidential Materials”).

- (3) The Court further finds that the Confidential Materials contain highly sensitive, proprietary business information of JJHCS that is not known to the general public.
- (4) The Court further finds that the parties have safeguarded and protected the confidentiality of the Confidential Materials, including throughout the pendency of this action.
- (5) The Court further finds that JJHCS would suffer substantial and specific harm, including but not limited to, potential financial damage and disclosure of competitive business information through the divulgence of such confidential information, that JJHCS has a strong and legitimate interest in protecting this confidential information from being disclosed to the public, and that no less restrictive alternative exists because JJHCS intends to submit redacted versions of documents where possible.
- (6) The Court further finds that Confidential Health Information would be improperly revealed to the public if the Confidential Materials were filed on the public docket.

(7)For these reasons, good cause exists for protecting the Confidential Materials pursuant to Fed. R. Civ. P. 26(c)(1)(G) and Local Civil Rule 5.3(c)(2).

IT IS ON THIS 6th day of February, 2024;

ORDERED, that pursuant to L. Civ. R. 5.3, the Confidential Materials are confidential and entitled to protection; and it is further

ORDERED that the motion to seal, (ECF No. 155), is GRANTED and the unredacted versions of the Confidential Materials, (ECF No. 149), shall remain sealed; and it is further

ORDERED that JJHCS shall publicly file the proposed redacted version of ECF No. 149, attached as Exhibit A to the Greenbaum Declaration, (ECF No. 155-2), within seven (7) days of the date of this Order. JJHCS shall do so as an attachment to an explanatory cover letter.

s/ Cathy L. Waldor

HON. CATHY L. WALDOR, U.S.M.J.